

REMARKS

Claims 1-28 are pending in the present application. Claims 1-28 stand rejected. By the present amendment, Applicants have amended claims 1, 9 and 23-25. No new matter has been added by the amendments herein. Reconsideration of the present application in light of the present remarks is respectfully requested.

A. Claim Rejections Under 35 U.S.C. § 101

The Examiner rejected claims 1-6, 8-9, 12-19 and 21 under 35 U.S.C. § 101 for being directed to non-statutory subject matter. The Examiner contends that the claims fail to indicate any connection to a computer or technology and, therefore, are directed to non-statutory subject matter. Applicants have amended independent claim 1 to indicate the claimed method is “computer-implemented.” In light of the present amendments to independent claim 1, Applicants respectfully submit that the Examiner’s rejection has been overcome. Accordingly, Applicants request the Examiner’s 35 U.S.C. § 101 rejections be withdrawn.

B. Claim Rejections Under 35 U.S.C. § 112

The Examiner rejected claim 9 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner contends that the phrase “and/or” in claim 9 renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. In light of the present amendments to claim 9, Applicants respectfully submit that the Examiner’s rejection has been overcome. Accordingly, Applicants request the Examiner’s 35 U.S.C. § 112 rejection be withdrawn.

B. Claim Rejections Under 35 U.S.C. § 103

The Examiner rejected claims 1-24 under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 6,076,074 to Cotton et al (“Cotton”) in view of U.S. Patent No. 6,269,345 to Riboud (“Riboud”). Applicants have reviewed the Examiner’s rejections and respectfully disagree with the Examiner’s contentions.

Cotton generally discloses an improvement to the Clearing House Interbank Payments System (“CHIPS”) for reducing transaction settlement risk by effecting intraday payment settlements using prefunded balances.

Riboud generally discloses a system for regulating international transactions dependent upon fluctuating exchange rates.

No combination of Cotton and Riboud discloses, teaches, or otherwise makes obvious: “communicating the payment instruction *directly* to the local currency account in the second country” and “*separately* communicating the payment request to a funds source associated with the source account,” as recited in independent claim 1; “means for *directly* communicating the payment instruction to the local currency account in the second country” and “means for *separately* communicating the payment request to a funds source associated with the source account,” as recited in independent claim 23; and “*directly* communicating the payment instruction to the local currency account in the second country, and *separately* communicating the payment request to a funds source associated with the source account,” as recited in independent claim 24.

As explained in Applicants’ application:

“Since payment instruction is being transmitted solely and directly to the institution holding the account of the System in the destination market, the message arrives at the foreign bank nearly instantaneously. The result is that beneficiaries receive payments

faster by bypassing the foreign currency settlement process. The system may then settle the foreign exchange portion of the transaction. This may occur, e.g., the same or next day, or at another future time." (p. 12, lines 21-26.)

Cotton expressly teaches away from Applicants' systems and methods by teaching:

The system of the present invention includes a computer controlled apparatus that employs software that continuously matches, nets, and releases payment messages on an individual, bilateral, or multilateral basis among participating financial institutions ("participants") throughout the day. Under the system, **no payment message will be released to a receiving participant unless (a) the value of the payment message can be simultaneously charged against and credited to prefunded balances established by the sending and receiving participants or (b) the payment message has been netted and set off against one or more other payment messages and the resulting balance can be simultaneously charged against and credited to the prefunded balances.** Col. 15, lines 46-58 (emphasis added).

Accordingly, Applicants respectfully submit that claims 1-24 are not obvious in view of and combination of Cotton and Riboud and respectfully request the Examiner withdraw the 35 U.S.C. § 103 rejection of claims 1-24.

The Examiner further rejected claims 25-28 under 35 U.S.C. § 103 as being unpatentable over Riboud in view of U.S. Patent No. 5,659,165 to Jennings et al. ("Jennings"). Applicants have reviewed the Examiner's rejections and respectfully disagree with the Examiner's contentions.

As discussed above, Riboud is generally directed to a system for regulating international transactions dependent upon fluctuating exchange rates. Jennings is generally directed to system and process for transferring funds across international borders in different currencies. However, neither Riboud nor Jennings discloses "retrieving the record to customize the computerized user interface," as recited in independent claim 25. In fact, neither Riboud nor Jennings disclose customizing the user interface in any manner. Accordingly, Applicants respectfully submit that

claims 25-28 are not obvious in view of and combination of Riboud and Jennings and respectfully request the Examiner withdraw the 35 U.S.C. § 103 rejection of claims 25-28.

CONCLUSION

Applicants assert that this application is in condition for allowance. Early allowance is respectfully requested.

If for any reason the Examiner is unable to allow the application and feels that an interview would be helpful to resolve any remaining issues, the Examiner is respectfully requested to contact the undersigned attorney at (312) 372-2000.

Respectfully submitted,

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